

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Clarence Daily Council, Jr.

Docket No. 7:06-CR-23-1H

Petition for Action on Supervised Release

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Clarence Daily Council, Jr., who upon an earlier plea of guilty to 18 U.S.C. § 1951 & 2, Interference With Commerce by Robbery and Aiding and Abetting, 18 U.S.C. § 924(c)(1)(A) & 2, Brandishing a Firearm in the Furtherance of a Crime of Violence and Aiding and Abetting, 18 U.S.C. § 922(g)(1), 924 & 2, Felon in Possession of a Firearm and Aiding and Abetting, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on September 7, 2006, to the custody of the Bureau of Prisons for a term of 125 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Clarence Daily Council, Jr. was released from custody on December 11, 2014, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 25, 2015, Council was arrested and charged by the Fayetteville, NC Police with Misdemeanor Larceny and Possession of Stolen Goods. According to the arrest warrant, Council stole various grocery and auto accessory items from Walmart in Fayetteville, totaling \$133.46. The charge remains pending trial in Cumberland County and the defendant has admitted his involvement in this offense. He realizes what a bad mistake he made and is willing to serve two days in jail as a sanction. Therefore it is recommended supervision be continued but modified to require Council to serve two days in jail, and allow this charge to be resolved in the state court. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton


Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper

John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2046
Executed On: January 27, 2016

ORDER OF THE COURT

Considered and ordered this 27th day of January 2016 and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge